

REMARKS

Election/Restriction – 35 USC 121 & 372

Claims 1-36 are present in this application. Claims 1-11 are withdrawn from consideration after the first restriction requirement mailed March 23, 2009. A second restriction requirement has now issued as follows:

Group I directed to Claims 1-11 drawn to a method of stabilizing particles;

Group II directed to Claims 12-32 drawn to a composition of matter; and

Group III directed to Claims 33-36 drawn to the use of a composition of matter.

Applicants elect Group II drawn to claims 12-32. As claim 12 is independent and all the other elected claims depend from it, no claim amendment is required at this time.

Rejoinder of the claims of Groups I and III is requested, when appropriate, as the scope of these claims is coextensive with Group II claims. Applicants will amend these claims to maintain this relationship when and if the elected claims are amended.

To be fully responsive, Applicants elect as a species, the composition of example 21, as shown in figure 18, part 12. This species is present in claim 27, and depends from claim 12, part (a) and claim 13 where each R is phenyl, R¹ is a benzoic acid connector and x is 2. Thus the required election of a linking group selected is phosphine. The required election of a nanoparticle core is CdSe/Cd.

The inventors remain the same so no change in inventorship is required.

With regard to the citation of Peng *et al.* (US 2004/0101976), there is no mention of a CdSe/Cd core shell nanoparticle core. There is no mention of phosphine as a linking group. The Peng groups are phosphine oxide or phosphonic acid groups [0062], neither of which are phosphine groups as shown by the structure in present Claim 10. It is well known that these different phosphorous groups are very different

structurally and in their chemical behavior. Thus contrary to the Examiner's point, the elected linker is **not** disclosed in Peng.

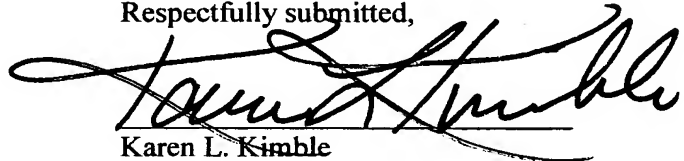
Also Peng discussed only the possibility of use as a semiconductor. Peng taught about a nanocrystal attached with organic dendron. One side (focal point) was attached to the nanocrystals binding site (NBS) and the other side of the dendron ended with active sites. Peng's dendron was vaguely defined.

In contrast, this invention demonstrates a sophisticated system with clearly defined components – ethylene oxide, benzoic acid, phosphine with at least one aryl group.

CONCLUSIONS

Applicants believe that they have responded to all items in this Action. However, if the Examiner has any questions concerning this Response, please contact the undersigned. If there are still unresolved issues, Applicants respectfully request that the Examiner contact the undersigned to expedite allowance of the claims.

Respectfully submitted,



Karen L. Kimble
Registration No. 26,995
Phone: (989) 687-7401
Fax: (989) 687-7403
Email: techlaw@tm.net

Technology Law, PLLC
3595 N. Sunset Way
Sanford, MI 48657